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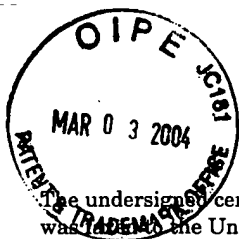
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The undersigned certifies that on February \_\_, 2004, this paper was filed with the United States Patent Office to 703- 872-9306 ( \_ pages)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty Docket No. A01588

In re application of: Chen et al.

: Confirmation No. 7008

Serial No.: 10/715,087

Group Art Unit: 524/494

Filed: November 17, 2003

: Examiner: Kataryzna Wyrozelski Lee

For: Surfactant-Containing Insulation Binder

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with applicant(s)' duty of disclosure under 37 C.F.R. § 1.56(a) and pursuant to 37 C.F.R. §§ 1.97 - 1.98, Applicants submit herewith (1) copies of the documents listed on the enclosed Form, PTO-1449 "List of Art Cited by Applicant" (Exhibit I), (2) a copy of a letter (Exhibit II) between the co-owners of this application that bears on patentability and explains the history behind the filing of this application; and (3) lists of prior art cited in the prosecution of this application's parent collected as Exhibit III.

Some background about our filing this patent application is in order here. The undersigned is a representative of the Rohm and Haas Company. As the Examiner will note, this application is a continuation of U.S. Patent Application Serial No. 09/871,467 filed in the names of Chen, Hinze and Hager ("the Owens Corning inventors"), and assigned to Owens Corning. This application claims virtually identical subject matter as the '467 application. We filed this application to add a co-inventor, Mr. Dobrowolski, who is an employee of Rohm and Haas Company, because Owens Corning refused to name Mr. Dobrowolski as a co-inventor on the '467 application. The history of this begins before Chen's May, 2001 filing date, when Mr.

Dombrowolski originally disclosed much of the subject matter later claimed by the named Owens Corning inventors. Briefly, well prior to Owens Corning filing date, Rohm and Haas disclosed to Owens Corning the benefits of adding a surfactant to Rohm and Haas's own thermoset binder product in an effort to sell binder to Owens Corning for use in fiberglass insulation. These facts can be established by Rohm and Haas documents. The Owens Corning inventors' parent application added certain subsidiary matters set forth in some of the pending claims of both this application and its parent. Needless to say, Rohm and Haas was quite surprised to discover that Owens Corning filed its patent application.

Over the last several years, Rohm and Haas has written to Owens Corning to resolve inventorship and ownership disputes with Owens Corning about these various subject matters to no avail. Thus, as explained in our letter to Owens Corning of November 26, 2003 (Exhibit II), we filed this application to preserve whatever rights we have in this technology. Indeed, if the Examiner finds any of the subject matters of this and the '467 application patentable over the art cited and discussed in that letter and in this Information Disclosure Statement, we plan to take steps to have an interference declared on any jointly invented patentable subject matters.

However, as we concluded shortly after we filed our application, the art probably does not warrant a grant of a patent to either party. As explained in our letter, U.S. Patent No. 6,071, 994 to Hummerich (attached as Exhibit A to our letter) anticipates much, if not all of what both the parties' applications now claim. For convenience, we have included with our letter the claim chart comparing the '467 application claims against Hummerich that we attached as Exhibit B to our November letter.

Also, the undersigned has since learned considerably more about the practice of using mineral oil dust suppression agents in the manufacture of fiberglass insulation. As explained in our letter, we now believe that this type of dust suppression has been a long-standing practice in the fiberglass insulation manufacturing industry to reduce the health hazards associated with airborne fiberglass insulation, as explained in our letter. However, as the Rohm and Haas Company is not a manufacturer of fiberglass (we make, among other things, thermosetting binders used by fiberglass manufacturers), we are not in as good a position to describe how extensive this practice has been as is Owens Corning. Indeed since writing our letter, we have

come to believe that in virtually every commercial fiberglass insulation manufacturing line over the last several decades, mineral oil dust suppression agents have been used.

This apparent long customary industry practice has bearing, among other things, on the relevance of Reck U.S. Patents Nos. 6,099,773 and 6,348,530 as potential Section 102 (as opposed to Section 103) prior art. If the use of dust suppressant agents is as common as we believe (see, e.g., Exhibit C to our letter, U.S. Patent No. 5,108,798 and Owens Corning's own patent filings including U.S. Patents Nos. 4,542,044, 4,909,817 and 5,624,742), we posit that the reader of Reck would read his patent as teaching the practice of what is disclosed by him in the intended environment, namely, with necessary and usual additives such as dust suppressants that most -- if not every -- responsible fiberglass manufacturer has to use.<sup>1</sup>

In an office action mailed January 7, 2004, the Examiner indeed has recently rejected all the '467 Application "mineral oil" claims except claims 3 and 18, and may have only recently realized that mineral oil dust suppression agents have been commonly used in the manufacture of fiberglass insulation. To the extent that the Examiner needs additional art to confirm that this is indeed the case, we request that the Examiner avail herself of the procedure under 37 C.F.R. § 1.105 and request of Owens Corning an explanation of how long and how extensive mineral oil dust suppression has been in the manufacture of fiberglass insulation.

In related manner, under Rule 105 the Examiner should also require Owens Corning to advise her about the prior commercial practice in relation to '467 application claim 18, which the Examiner has found contains allowable subject matter. Leaving aside Hummerich, which we separately address below in relation to claim 18, all the steps of claim 18 -- with the exception of "applying the binder composition of claim 1" -- are steps involved in Corning's commercial fiberglass insulation process, which Owens Corning knows is prior, long standing, standard commercial practice used with other its binder compositions, which Chen virtually admits in his specification (see p. 6 third full paragraph). Thus, Reck and Hummerich should be read in light of this long-standing, conventional commercial practice, too. As discussed in our Letter, Hummerich discloses the "binder composition of claim 1." The Examiner should ask Owens

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<sup>1</sup> We have found, for example, that oil companies have long marketed oils for the use in the manufacture of fiberglass insulation (see, e.g. the 76 Lubricants Company "Steaval D" brochure attached as Exhibit D). Owens Corning -- and its inventors -- probably have a fair amount of similar prior art commercial literature in their files like this one. A full citation of such commercial literature is in order in your prosecution. We suggest you search Owens Corning's files for such relevant information.

Corning about its own long-standing commercial practices in relation to the steps of claim 18. After all, Owens Corning has manufactured about 40% annually of the nation's residential insulation using such a process over a number of years, and is capable of responding to this straightforward request.

To be specific as to Hummerich, he discloses all the elements of claim 18 (the claim and Chen's specification language is quoted and the pertinent parts of Hummerich are summarized or quoted in italics in parentheses):

Claim 18, step 1: "supplying melted glass to a fiber forming device" (*"fibers for insulating materials are widely produced in industry by spinning melts of the corresponding mineral raw materials (see for example EP567 480)"* Hummerich col 10, lines 30-32; also note that Chen's specification stated that "[I]t is generally well known in the art to produce a porous mat of fibrous glass by fiberizing molten glass . . . " see p. 6, line 16).

Claim 18, step 2: "blowing said melted glass downwardly within a forming chamber of said forming device to attenuate glass fibers" (*see EP 567 480 that Hummerich refers to*; also note that Chen's specification stated that "It is generally well known in the art to produce a fibrous glass mat on a moving conveyor . . . and are blown downwardly within a forming chamber" see p. 6, lines 19-20).

Claim 18, step 3: "applying the binder composition of claim 1 onto said glass fibers" (*please see our claim chart attached to our letter (Exhibit II) where we explain how claim 1 is anticipated by Hummberich*; also see Chen's specification p. 6 where he explains that this step is conventional, p. 6 lines 24-25.).

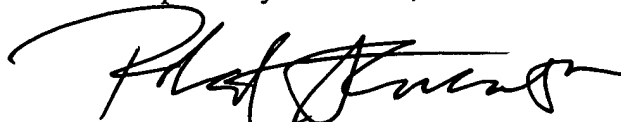
Claim 18, step 4: "depositing said glass fibers onto a foraminous forming conveyor within said forming chamber" ( *see EP 567 480 that Hummerich refers to*; also note that Chen's specification states that this step is conventional, p. 6, lines 23-24).

Claim 18, step 5 "gathering and forming said glass fibers into a mat on said conveyor using a vacuum drawn through said mat from below said forming conveyor, wherein residual heat contained in tsaid glass fibers and said vacuum volatilizes said water" (see *EP 567 480 that Hummerich refers to, and note that Hummerich states that "the aqueous binder solution is preferably sprayed onto the freshly prepared fibers while they are still hot. Most of the water evaporates . . . ."* Hummerich col. 10, lines 33-35. Also note that Chen also stated that this step is conventional, specification p. 6 lines 26-30).

Thus, Hummerich fairly teaches the subject matter of claim 18, particularly in light of what Chen himself admits is conventional. Like the "mineral oil dust suppression agent" that Owens Corning was prepared to be the linch pin of its prior patentability argument even though that agent was standard, conventional industry practice, the features of claim 18 are all standard fiberglass insulation manufacturing industry practices, with the exception of the "binder composition of claim 1" which is clearly disclosed by Hummerich for use in fiberglass insulation.

As we indicated in our letter, we are prepared to abandon our continuation case, if Owens Corning abandons its parent. To date, Owens Corning has refused to agree to our proposal. Should the Examiner still believe there is any subject matters patentable in the pending claims, we ask that an interference be declared so that we can prove that the subject matter of claims 18 - 19, for example, was derived by the Owens Corning inventors from Mr. Dobrowolski or co-invented with him.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Stevenson", written over a horizontal line.

Robert W. Stevenson  
Attorney/Agent for Applicant(s)  
Registration No. 31064  
Telephone No.: 215-592-2171

Rohm and Haas Company  
100 Independence Mall West  
Philadelphia, PA 19106-2399



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Attorney Docket No. A01588**

In re: Chen et al.

: Confirmation No. 7008

U.S. Serial No. 10/715,087

: Art Unit: 1731

Filed: November 17, 2003

: Examiner: Kataryzna Wyrozebski

For: Surfactant-Containing Insulation Binder

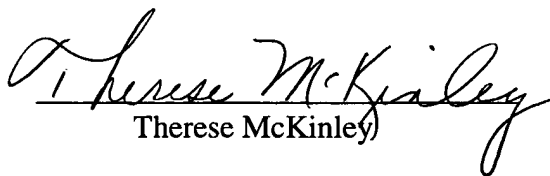
Commissioner for Patents  
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Alexandria, VA 22313-1450

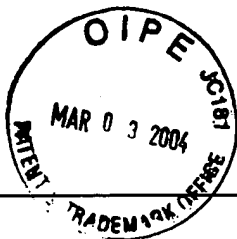
CERTIFICATE OF MAILING

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I hereby certify that the following *Information Disclosure Statement, Form 1449, citing art references and foreign patents or non-patent publications, articles as submitted herein and self-addressed stamped postcard*, are being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated next to my signature below:

March 1, 2004  
Date

  
Therese McKinley



Sheet 1 of 1

# **LIST OF ART CITED BY APPLICANT**

(Use several sheets if necessary)

Atty Docket No. <b>A01588</b>	Serial No. <b>10/715,087</b>
Applicant <b>Chen et al.</b>	
Filing Date <b>November 17, 2003</b>	Group <b>1731</b>

## **U.S. Patent Documents**

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	Class/Subclass	FILING DATE IF APPROPRIATE
	AA	6,071,994	06/06/2000	Hummerich et al.		
	AB					
	AC					
	AD					
	AE					
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	AG					
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## **FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	Class/Subclass	Translation Yes/No
	AL					
	AM					
	AN					

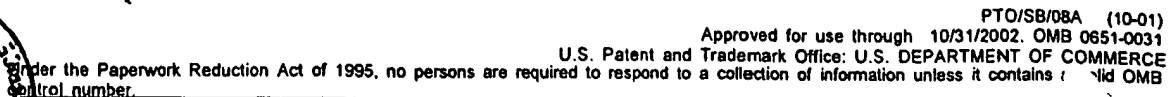
## **OTHER ART (Including Author, Title, Date, Pertinent Patents, etc.)**

AO	International Programme On Chemical Safety; "Man-made Mineral Fibres"; IPCS IINCHEM HOME; (EHC 77, 1988) <a href="http://www.incehm.org/documents/ehc/ehc/ehc77.htm">http://www.incehm.org/documents/ehc/ehc/ehc77.htm</a>
AR	76 Lubricants Company; Production Application Sheet
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Examiner	Date Considered
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\*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.





## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet	2	of	2
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Application Number	10/715,087
Filing Date	11/17/2003
First Named Inventor	Chen
Art Unit	1731
Examiner Name	Wyrozowski
Attorney Docket Number	A01588

Confirmation No.: 7008

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FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EP 583 086	02-16-1994	Arkens et al.		
		EP 651 088	05-03-1995	Egolf et al.		
		EP 748 777	12-18-1996	Taylor et al.		
		EP 990 728	04-05-2000	DePorter et al.		
		EP 990 727	04-05-2000	Taylor et al.		
		WO 01/10953	02-15-2001	Helbing		
		WO 01/96460	12-20-2001	Husemoen		

Date  
Considered

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/715,087
		Filing Date	11/17/2003
		First Named Inventor	Chen
		Art Unit	1731
		Examiner Name	Wyrozewski
Sheet 1 of 2	Attorney Docket Number	A01588	

Confirmation No.: 7008

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 6,274,661	08-14-2001	Chen et al.	
		US-			
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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

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Sheet	1	of	1
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Application Number	10/715,087
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Filing Date	11/17/2003
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First Named Inventor	Chen
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Group Art Unit	Unknown
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Examiner Name	WYROZEBSKI
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Attorney Docket Number A01588

Confirmation No.: 7008

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Sheet 1 of 2

Application Number	10/715,087
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Attorney Docket Number	A01588

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		Number- Kind Code <sup>2</sup> (if known)			
		US- 5,646,207	07-08-1997	Schell	
		US- 5,670,585	09-23-1997	Taylor et al.	
		US- 5,718,728	02-17-1998	Arkens et al.	
		US- 5,840,822	11-24-1998	Lee et al.	
		US- 5,858,549	01-12-1999	Kielbania, Jr. et al.	
		US- 5,932,689	08-03-1999	Arkens et al.	
		US- 5,932,665	08-03-1999	DePorter et al.	
		US- 5,977,224	11-02-1999	Cheung et al.	
		US- 5,977,232	11-02-1999	Arkens et al.	
		US- 6,136,916	10-24-2000	Arkens et al.	
		US- 6,194,512	02-27-2001	Chen et al.	
		US- 6,207,737	03-27-2001	Schell et al.	
		US- 6,221,973	04-24-2001	Arkens et al.	
		US- 6,241,780	06-05-2001	Arkens et al.	
		US- 5,500,315	3/19/1996	Calvert et al.	
		US- 5,503,767	4/2/1996	Schwartz	
		US- 5,663,224	9/2/1997	Emmons et al.	
		US- 6,207,780	3/27/2001	Stockhausen et al.	
		US- 6,271,898	8/7/2001	Clikeman et al.	
		US- 5,578,371	11/26/1996	Taylor et al.	

## FOREIGN PATENT DOCUMENTS

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Application Number	10/715,087
Filing Date	11/27/2003
First Named Inventor	Chen
Group Art Unit	1736
Examiner Name	WYROZEBSKI
Attorney Docket Number	A01588

Confirmation No.

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Sheet 1 of 1			Application Number	10/715,087
			Filing Date	11/17/2003
			First Named Inventor	Chen
			Art Unit	21731
			Examiner Name	WYROZEBSKI
			Attorney Docket Number	AC/588

Confirmation No.: 7.038

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Examiner Signature	Date Considered
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Sheet	1	of	1
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**Complete If Known**

Application Number 10/715,087

Filing Date 11/17/2003

First Named Inventor	Chen
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Group Art Unit 1731

Examiner Name WYROZEBSKI

Attorney Docket Number 100-1588

Confirmation No. 7008

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

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**Examiner  
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Date	Considered
11/1/80	11/1/80
11/2/80	11/2/80
11/3/80	11/3/80
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11/29/80	11/29/80
11/30/80	11/30/80

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<b>Notice of References Cited</b>	Application/Control No. <b>10/715,087</b>	Applicant(s)/Patent Under Reexamination CHEN ET AL.	
	Examiner Katarzyna Wyrozebski Lee	Art Unit <b>1731</b>	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,646,207	07-1997	Schell	524/47
	B	US-6,099,773	08-2000	Reck et al	264/109
	C	US-5,763,524	06-1998	Arkens et al.	524/549
	D	US-2002/0091185	07-2002	Taylor et al.	524/249
	E	US-			
	F	US-			
	G	US-			
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	I	US-			
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Sheet	2	of	2
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**Complete if Known**

Application Number	10/715,087
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Filing Date 11/17/2003

First Named Inventor	Chen
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**Art Unit**

Examiner Name	WYTOZEBSKI
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